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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/246,389 | 02/09/1999 | ANTHONY J. DEZONNO | 97RSS430/713 | 6116 |
| 24628 | 7590 | 07/27/2005 | EXAMINER | |
| WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606 | | | GAUTHIER, GERALD | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2645 | |
| DATE MAILED: 07/27/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/246,389 | DEZONNO, ANTHONY J. |
| | Examiner | Art Unit |
| | Gerald Gauthier | 2645 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 11-19 and 21-24 is/are rejected.
- 7) Claim(s) 10, 20 and 25 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 February 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawing as presented are hard to follow the applicant description of the specification. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 2645

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. **Claim(s) 1-3, 11-19 and 21-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Durinovic-Johri et al. (US 6,263,065 B1) in view of Hassler et al. (US 5,751,795).

Regarding **claim(s) 1**, Durinovic-Johri discloses a method of reducing messages traffic among peripherals of an automatic call distributor (FIG. 1 and column 1, lines 13-21), such method comprising the steps of:

forming a message table in a first peripheral of the automatic call distributor where the message table contains indicia that controls whether message traffic is routed to other peripherals of the automatic call distributor or deleted based upon a message type defined by the indicia (FIG. 3 and column 6, lines 34-58); and

routing a message received by the first peripheral from a source peripheral to other peripherals of the automatic call distributor when the message table indicates that the message should be forwarded and otherwise deleting the message when a comparison of the indicia within the message table with a content of the message indicates that the message should be deleted (FIGS. 5, 6 and column 6, line 65 to column 7, line 10).

Durinovic-Johri discloses the routing of the call based on the customer information but fails to disclose broadcasting a message from one peripheral to another.

However, Hassler teaches broadcasting information from one peripheral to another (column 6, lines 20-31).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Durinovic-Johri using the message table as taught by Hassler.

The modification of the invention would offer the capability of the message table having indicia to broadcast the message so that the user would send the message to more than one recipient.

Regarding **claim(s) 2**, Durinovic-Johri discloses entering an identifier of a message to be forwarded into the formed message table in the peripheral (column 6, lines 34-58).

Regarding **claim(s) 3**, Durinovic-Johri discloses the step of entering the identifier of the message further comprises entering a corresponding destination identifier to the entry (column 7, lines 46-56).

Regarding **claim(s) 11 and 21**, Durinovic-Johri in combination with Hassler disclose all the limitations of **claim(s) 11 and 21** as stated in **claim(s) 1'** s rejection and further more Durinovic-Johri discloses means for amending the table upon startup of the peripheral (column 7, lines 11-23).

Regarding **claim(s) 12 and 22**, Durinovic-Johri discloses means for forming a list of identifiers of unnecessary messages in the peripheral to upon startup (column 8, lines 29-47).

Regarding **claim(s) 13 and 23**, Durinovic-Johri discloses the means for forming the list of unnecessary messages further comprises means for retrieving the list from memory (column 8, lines 29-47).

Regarding **claim(s) 14 and 24**, Durinovic-Johri discloses means for sending the list of unnecessary messages to the automatic call distributor (column 8, lines 29-47).

Regarding **claim(s) 15**, Durinovic-Johri discloses the step of sending the list of unnecessary messages further comprises storing the list in said table of the automatic call distributor (column 8, lines 29-47).

Regarding **claim(s) 16**, Durinovic-Johri discloses forming a message for transmission to a set of peripherals, including the peripheral (column 7, lines 46-56).

Regarding **claim(s) 17**, Durinovic-Johri discloses the step of forming a message for transmission to a set of peripherals further comprises retrieving an identifier of said peripheral of the set of peripherals (column 7, lines 46-56).

Regarding **claim(s) 18**, Durinovic-Johri discloses the step of retrieving an identifier of said peripheral of the set of peripherals further comprises retrieving the list of unnecessary messages from said table based upon said identifier of said peripheral (column 8, lines 29-47).

Regarding **claim(s) 19**, Durinovic-Johri discloses the step of retrieving the list further comprises comparing an identifier of the message with the list of unnecessary messages transmitted from said peripheral to the automatic call distributor (column 8, lines 29-47).

5. **Claim(s) 4-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Durinovic-Johri in view of Hassler as applied to **claim(s) 3** above, and further in view of Kelly, Jr. et al. (US 5,335,268).

Regarding **claim(s) 4**, Durinovic-Johri in combination with Hassler as applied to **claim(s) 3** differ from **claim(s) 4**, in that it fails to disclose a reference to a line of a message matrix.

However, Kelly teaches the step of entering the identifier further comprising providing a reference to a line of a message matrix (column 6, lines 11-42).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the routing plan in the form of the matrix to provide a

reference to a line of the matrix of Kelly in the database table of Durinovic-Johri in combination with Hassler.

The modification of the invention would offer the capability of the routing plan in the form of the matrix to provide a reference to a line of the matrix such as the system would dynamically balancing special telephony traffic for clearing the overflow traffic would enhanced.

Regarding **claim(s) 5**, Durinovic-Johri discloses the step of sending the list of unnecessary messages further comprises storing the list in said table of the automatic call distributor (column 8, lines 29-47).

Regarding **claim(s) 6**, Durinovic-Johri discloses forming a message for transmission to a set of peripherals, including the peripheral (column 7, lines 46-56).

Regarding **claim(s) 7**, Durinovic-Johri discloses the step of forming a message for transmission to a set of peripherals further comprises retrieving an identifier of said peripheral of the set of peripherals (column 7, lines 46-56).

Regarding **claim(s) 8**, Durinovic-Johri discloses the step of retrieving an identifier of said peripheral of the set of peripherals further comprises retrieving the list of unnecessary messages from said table based upon said identifier of said peripheral (column 8, lines 29-47).

Regarding **claim(s) 9**, Durinovic-Johri discloses the step of retrieving the list further comprises comparing an identifier of the message with the list of unnecessary messages transmitted from said peripheral to the automatic call distributor (column 8, lines 29-47).

Allowable Subject Matter

6. **Claim(s) 10, 20 and 25** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to **claim(s) 1-9, 11-19 and 21-24** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

g.g.
July 17, 2005



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